

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,
Plaintiffs,

v.

THE STATE OF TEXAS, *et al.*,
Defendants.

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Case No. 5:21-cv-844-XR
[Lead Case]

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

GREGORY W. ABBOTT, *et al.*,

Defendants.

Civil Action No. 5:21-cv-844 (XR)
(Consolidated Cases)

UNITED STATES' FIRST SET OF INTERROGATORIES

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the United States of America requests that Defendants the State of Texas and John Scott answer the following interrogatories, separately and fully, in writing and under oath, and serve a copy of the answers and any objections on counsel for the United States by January 29, 2022. These interrogatories shall be deemed continuing in nature as provided in Federal Rule of Civil Procedure 26(e).

INSTRUCTIONS AND DEFINITIONS

1. “Defendants” means defendants State of Texas and John Scott and any of their past or present agents, advisors, employees, representatives, attorneys, consultants, contractors, or other persons or entities acting or purporting to act on Defendants’ behalf or subject to Defendants’ control.

2. “SB 1” means the Election Integrity Protection Act of 2021, S.B. 1, 87th Legis., 2d Spec. Sess. (Tex. 2021), which amends the Texas Election Code relating to, among other topics, voter assistance, applications for ballots by mail, and mail ballot carrier envelopes.

3. “Database” means any data sets, reports, programs, and files accessible by computer that contain data that can be processed or sorted using standard spreadsheet or database software, including but not limited to Oracle SQL, Microsoft Access, Microsoft Excel, Lotus 1-2-3, Quattro Pro, SAS, and SPSS.

4. “Texas Election Administration Management” or “TEAM” database means the voter registration database administered by the Texas Secretary of State’s office and identified in Defendants’ Objections and Responses to the United States’ First Set of Requests for Production, dated December 15, 2021.

5. “Voter record” means the full set of information and data entries in a database, including the contents of all database fields, that pertain to, describe, or reflect information about one individual registered voter, such as the full set of information linked using a Voter Unique Identifier (VUID).

6. “UOCAVA” shall mean the Uniformed and Overseas Citizens Absentee Voting Act, Pub. L. No. 99-410, as amended, 52 U.S.C. §§ 20301-11, and all procedures for uniformed and overseas citizens to vote thereunder, including but not limited to use of the Federal Write-In Absentee Ballot.

7. For the purpose of these interrogatories, a record does not contain certain information if the associated field or fields that would contain any such information is blank, contain placeholder information, or contain information that does not or could not purport to be the type of information identified in the interrogatory. For example, a record shall be deemed not to contain Social Security Number information if the field or fields that would typically reflect such information are blank, contain alphabetical or other non-numeric information, or contain an invalid number, such as a nine-digit number beginning with “9,” a nine-digit number

beginning with "000," a nine-digit number beginning with "666," a nine-digit number whose fourth and fifth digits are "00," "11111111," "33333333," "123456789," or any number ending in "0000."

8. To the extent information responsive to these interrogatories is objected to or otherwise withheld, please set forth the basis for objection. Whenever an objection is asserted based on privilege, identify the basis or bases for the claimed privilege and identify the information or document as to which the privilege is asserted. For any information or document as to which a privilege is asserted, please state the type of information or document (*e.g.*, letter, memorandum, or correspondence); the title, date, authors, signatories, senders, and recipients of the document; the general subject matter of the document; the recipients of any copies of the document; the names appearing on any circulation lists associated with the document; and the factual basis for the claim of privilege in sufficient detail to permit the Court to ascertain the validity of any such claim. *See* Fed. R. Civ. P. 26(b)(5). To the extent you object to or withhold any responsive information for any reason, provide partial answers to such portions of each interrogatory as may be answered without the withheld information.

9. In answering each interrogatory:

- a) identify each person who prepared or assisted in the preparation of the interrogatory;
- b) state whether the answer is within the personal knowledge of the person answering the interrogatory and, if not, the identity of each person known to have personal knowledge of the answer;
- c) identify each person who provided information or input, or who was interviewed or consulted in order to complete the interrogatory;

- d) identify each document not prepared in anticipation of this litigation that was used in any way to formulate the answer to the interrogatory;
- e) identify each person who possessed documents not prepared in anticipation of this litigation which were used in any way to formulate the answer to the interrogatory; and
- f) if you contend that you cannot answer the question in whole or in part, state the reason the information is not available to you, and the steps you took to attempt to identify the requested information.

10. These interrogatories request information reflecting the true and accurate contents of the TEAM database as of January 3, 2022 at 12 pm Central Standard Time (the Snapshot date and time). In the event obtaining data that truly and accurately reflects the contents of the TEAM database as of that date and time is not possible, state the reasons why, and prepare your responses based on an alternative Snapshot date and time prior to 11:59 pm Central Standard Time on January 29, 2022, but in no event earlier than January 3, 2022 at 12 pm Central Standard Time. State the date and time as of which your responses reflect the true and accurate contents of the TEAM database in your responses. All interrogatories in this request must be answered based on the true and accurate contents of the TEAM database as of the same date and time. In no event shall this instruction be construed to extend the time for response to these interrogatories.

INTERROGATORIES

1. State the number of voter records in the Texas Election Administration Management (TEAM) database as of the Snapshot date and time that contain none of the

following information: a driver license number, an identification card number, an election identification certificate number, or a Social Security Number.

2. State the number of voter records in the Texas Election Administration Management (TEAM) database for voters who are sixty-five years of age or older as of the Snapshot date and time that contain none of the following information: a driver license number, an identification card number, an election identification certificate number, or a Social Security Number. To the extent TEAM contains voter records that do not identify the age or date of birth of the voter, do not include such records in the total number of voters who are sixty-five years of age or older as of the Snapshot date and time, but separately state the number of records without age or date of birth information that contain none of the following information: a driver license number, an identification card number, an election identification certificate number, or a Social Security Number.

3. State the number of voter records in the Texas Election Administration Management (TEAM) database as of the Snapshot date and time for voters who have requested a ballot or cast a ballot under procedures mandated by UOCAVA—or are otherwise identifiable as an absent uniformed service voter or overseas voter, as defined by Section 107 of UOCAVA, 52 U.S.C. § 20310—that contain none of the following information: a driver license number, an identification card number, an election identification certificate number, or a Social Security Number.

Date: December 30, 2021

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/s/ Michael E. Stewart
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CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2021, I served a true and correct copy of the foregoing via electronic mail on all counsel of record:

/s/ Michael E. Stewart
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